

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)

REGARDING THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

(Government Code Section 11346.9(a) (1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

There are no revisions to the Initial Statement of Reasons (as shown below), as DSA did not receive any comments to this proposed rulemaking action during the 45 Day Public Comment Period.

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE.

The Division of the State Architect - Structural Safety (DSA-SS) proposes to make amendments to Chapter 4 of the California Building Standards Administrative Code (Part 1, Title 24) for codification as the 2007 edition California Building Standards Administrative Code.

These proposed amendments to existing administrative regulations pertain to building construction for public elementary and secondary schools, and community colleges. The proposed changes are editorial and also provide conformance with the proposed changes by DSA-SS to Part 2, Title 24, in this annual rulemaking cycle (adoption of the 2006 edition *International Building Code*).

The specific purpose and rationale for necessity of these proposed changes follows:

Section 4-307. Rehabilitation of an Existing Non-Conforming Building for Use as a School Building.

The purpose of this proposed change is to coordinate the reference to Part 2, Title 24 with DSA-SS's proposed adoption of the 2006 International Building Code. The proposed changes are editorial.

Section 4-308. Reconstruction or Alteration Projects Not in Excess of \$25,000 in Cost.

The purpose of this proposed change is to address the requirements of Education Code Section 17295 (c) 3. DSA has issued an Interpretation of Regulations document titled *IR A-10 Reconstruction and Alteration Projects - Exemption from DSA Approval*, which specifically addresses the annual adjustment of construction costs required by this section. As an example, the DSA-published adjusted cost threshold for 2005 is \$30,407.

Annual adjustments are calculated using the first January issue of Engineering News Record's U.S. 20 City Construction Cost Index. The use of IR A-10 rather than Part 1, Title 24, for publication of the annual cost adjustment allows DSA to update and publish the annual cost adjustment promptly each January.

Section 4-309. Reconstruction or Alteration Projects in Excess of \$25,000 in Cost.

(a) General.

The purpose of the proposed change regarding annual adjustment of dollar amounts cited in this section is to address the requirements of Education Code Section 17295 (c) 3. DSA has issued an Interpretation of Regulations document titled *IR A-10 Reconstruction and Alteration Projects - Exemption from DSA Approval*, which specifically addresses the annual adjustment of construction costs required by this section. As an example, the DSA-published adjusted

cost thresholds for 2005 are \$30,407 and \$121,628.

Annual adjustments are calculated using the first January issue of Engineering News Record's U.S. 20 City Construction Cost Index. The use of IR A-10 rather than Part 1, Title 24, for publication of the annual cost adjustment allows DSA to update and publish the annual cost adjustment promptly each January.

The proposed changes to the "minor structural modifications" provisions update the requirements to coordinate with DSA-SS's Part 2 proposed code changes, which include Section 3415.11 provisions for voluntary structural upgrades.

This proposed change replaces, for the purpose of evaluating minor structural modifications, the reference from the code in effect when the building plans were approved to Sections 3415 through 3421 (seismic evaluation and retrofit of existing buildings, based on FEMA 356).

The rationale for this proposal is that the referenced provisions in Section 3415.11 provide specific evaluation and design criteria for modifications to any existing building, is based on a nationally recognized standard, and is readily available.

(c) Required Structural Rehabilitation.

The purpose of these proposed changes is to update and coordinate the requirements and triggers of Section 4-309 (c) with DSA-SS's proposed Part 2 regulations (adoption of the 2006 *International Building Code*). The proposed changes to items 2. A. and 2. B. provides conformance with IBC Section 3403.2..3.2. The proposed repeal of the exception to item 2.B. is based on the proposed changes clarifying that both wind and seismic forces be considered.

(d) Voluntary Lateral Force Resisting System Modifications

The purpose of this proposed change is to update and coordinate Section 4-309 (d) with proposed Part 2 regulations (Section 3415.11), which specifically address evaluation and design of lateral force resisting system modifications, based on nationally recognized standards.

Section 4-314. Definitions.

The purpose of this proposed editorial change is to update the reference to the correct section of the Education Code. Education Code Section 81131 is currently vacant, and Section 81130.5 contains the statutory definition of a community college school building.

Section 4-317. Plans, Specifications, Calculations and other data.

(b) Plans.

The purpose of this change is to update the requirements for equipment anchorage design and detailing to avoid conflict with DSA-SS's Part 2 proposed code changes. These provisions are no longer needed, as design and detailing requirements are provided in ASCE 7 Section 13.1 (seismic design requirements for non-structural components).

(e) Site Data.

These proposed changes are editorial. The Department of Conservation's California Geologic Survey (Division of Mines and Geology) has recommended to DSA these proposed revisions, regarding reference to the Safety Element of a Local General Plan and the definition of an active earthquake fault.

4-355. Advisory Board.

(a) General

These proposed changes clarify the advisory board's role, which serves in an advisory capacity to the State Architect and does not serve as an appeals board to DSA. This change is necessary to clarify that the advisory board does not have authority over the decision of the State Architect, and was endorsed by DSA's Advisory Board.

Section 18945 of the Health & Safety Code provides for an appeals process to any person adversely affected by the actions of DSA or other state agency, with regard to the state agency's administration of building standards.

(b) Membership.

This proposed change addresses modifications made by DSA to the advisory board and membership during 2005, and adds one representative for community colleges to the board.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS.

No technical reports or studies were used in the development of these proposed amendments.

CONSIDERATION OF REASONABLE ALTERNATIVES.

DSA could not identify nor determine any reasonable alternatives to the proposed administrative regulations.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Division of the State Architect did not identify any reasonable alternatives to the proposed administrative regulations.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.

None required, as no adverse effect on business has been determined to occur due to the proposed changes.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS.

These proposed administrative regulations do not duplicate or conflict with federal regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS.

(Pursuant to Government Code Section 11346.9(a) (2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).)

The Division of the State Architect has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

(Government Code Section 11346.9(a) (3))

No comments were received by DSA during the 45 Day Public Comment Period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS.

(Government Code Section 11346.9(a) (4))

The Division of the State Architect has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulations.

REJECTED PROPOSED ALTERNATIVES THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

(Government Code Section 11346.9(a) (5))

There are no rejected proposed alternatives to identify. This proposal will not have an adverse economic impact on small businesses.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE.

(Government Code Section 11347.6)

No comments were received from the Office of Small Business Advocate for this proposal.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY.

(Government Code Section 11347.6)

No comments were received from the Trade and Commerce Agency for this proposal.